

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually And On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN AND ROBERT J.
SIMMONS,

Defendants.

Civil Action No. 07-cv-8538 (RWS)

CLASS ACTION

WILLIAM BOSTON, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN AND ROBERT J.
SIMMONS,

Defendants.

Civil Action No. 07-cv-8808 (RWS)

ROBERT D. THURMAN, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN AND ROBERT J.
SIMMONS,

Defendants.

Civil Action No. 07-cv-9651 (RWS)

WENDY M. DAVIDSON, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN AND ROBERT J.
SIMMONS,

Defendants.

Civil Action No. 07-cv-10400 (UA)

JOSHUA FERENC, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN AND ROBERT J.
SIMMONS,

Defendants.

Civil Action No. 07-cv-10540 (SHS)

**NOTICE OF MOTION OF THE KRISTEN-STRAXTON GROUP FOR
CONSOLIDATION OF ALL RELATED CASES, APPOINTMENT OF LEAD
PLAINTIFF AND APPROVAL OF THE SELECTION OF LEAD COUNSEL**

TO: All PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Kristen Management Limited, Straxton Properties Inc. and Javed Fiyaz (collectively the "Kristen-Straxton Group") hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York 10007, for an Order: (1) consolidating the above-captioned actions pursuant to Fed. R. Civ. P. 42; (ii) appointing the Kristen-Straxton Group as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a) *et seq.*; and (iii) approving the Kristen-Straxton Group's selection of Brower

Piven, A Professional Corporation, as Lead Counsel. In support of this Motion, the Kristen-Straxton Group submits herewith a Memorandum of Law, the Declaration of Elizabeth A. Schmid, Esq., and a [Proposed] Order.

Dated: December 3, 2007
New York, New York

Respectfully submitted,

BROWER PIVEN
A Professional Corporation

By: /s/ David A.P. Brower

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*Proposed Lead Counsel For
the Kristen-Straxton Group
and the Class*